

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**KEVIN OMAR MATÍAS-ROSELLÓ,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED**

**Plaintiffs**

**v.**

**EPOCH LLC; FOT INVESTMENTS LLC D/B/A  
DOMINO'S PIZZA; CLUTCH CONSULTING, LLC**

**Defendants**

**CIVIL NO.: 3:19-cv-01307 (ADC)**

**FAIR LABOR STANDARDS ACT**

**JURY TRIAL DEMANDED**

**EPOCH'S ANSWERS AND/OR OBJECTIONS TO REQUEST FOR ADMISSIONS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Fed.R.Civ.P. 36, Defendant EPOCH LLC ("EPOCH"), by and through their undersigned representative, hereby objects and respond to Plaintiffs Request for Admissions dated February 25, 2020, as follows:

**GENERAL OBJECTIONS**

1. EPOCH objects to the *Request of Admissions* to the extent they seek information that is privileged or objectionable pursuant to the Rules of Evidence and/or Rules of Civil Procedure.
2. EPOCH objects to the *Requests for Admissions* to the extent they seek information that is not relevant to the issues pending in this proceeding or that would not reasonably lead to the discovery of admissible evidence. By providing any of the information requested, EPOCH does not concede the relevance thereof to the subject matter of this litigation or the admissibility of such information.

3. These answers to the *Request for Admissions* are based on the information and documents available to EPOCH at this time. EPOCH reserves the right to notify additional information and/or to produce additional evidence that may be located in the future.

**ANSWER AND/OR OBJECTIONS**

1. On February 15, 2017, Epoch LLC hired Kevin Matias as a delivery driver.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

2. During Kevin Matías' employment at Epoch LLC the hourly wage paid to him \$7.25 per hour.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

3. The starting salary paid by Epoch LLC to delivery drivers is \$7.25 an hour.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

4. Between April 4, 2016 and April 4, 2019, Epoch LLC has not disclosed to its delivery drivers that their tip income will be used to calculate that their hourly wage is at least \$7.25 an hour.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

5. During Kevin Matías' employment at Epoch LLC as a delivery driver, Kevin Matias was required to provide for and use his automobile.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

6. From April 4, 2016 to the present date, Epoch LLC has required its delivery drivers to provide for and use their own automobiles.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

7. During Kevin Matías' employment at Epoch LLC as a delivery driver, Kevin Matias was not paid a mileage rate for the use of his vehicle.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

8. From April 4, 2016 to the present date, Epoch LLC did not pay its delivery drivers a mileage rate for the use of their vehicles.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

9. During Kevin Matías' employment at Epoch LLC as a delivery driver, Kevin Matias was not reimbursed his expenses incurred in to operate his vehicle while working as a delivery driver.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

10. From April 4, 2016 to the present date, Epoch LLC has not paid its delivery drivers for expenses they have incurred in to operate their motor vehicles while working as a delivery driver.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

11. From April 4, 2016 to April 4, 2019, Epoch LLC did not disclose to its delivery drivers that it would include tip income towards the minimum wage to be paid to delivery drivers.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

12. From April 4, 2016 to April 4, 2019, Epoch LLC did not disclose to its delivery drivers that it would include tip income towards the minimum wage to be paid to any employee.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

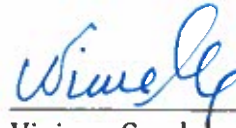
13. Your standard policy is to have delivery drivers make only one delivery per trip.

**Answer:**

**EPOCH denies this request because EPOCH does not have employees nor has ever employed Kevin Matías.**

**Statement under Penalty of Perjury**  
(Tit. 28 USC § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
November 17, 2020



Viviana Candelario Acevedo

I certified that a true copy of DEFENDANTS' ANSWERS AND/OR OBJECTIONS TO  
REQUEST FOR ADMISSIONS was served by e-mail to: Francisco E. Colón-Ramírez  
([fecolon@colonramirez.com](mailto:fecolon@colonramirez.com)), attorney for Plaintiffs on November 17, 2020.